411.35629PC2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. KOHLER

Serial No.:

09/865.201

Filed:

May 29, 2001

For:

FUSION PROTEINS OF BIOLOGICALLY ACTIVE PEPTIDES AND

ANTIBODIES

Group:

1645

Examiner:

Huynh

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 November 3, 2003

In response to the restriction requirement dated June 3, 2003, Applicants hereby elect Group IX, Claims 20 - 26, drawn to a fusion protein made of (1) an antibody and (2) a peptide wherein the antibody is specific for a specific membrane structure on a normal cell or on tumor cells and wherein the peptide is a specific binding site derived from a natural ligand for a specific cellular receptor, and a fusion gene encoding said fusion protein. The election is made with traverse on the grounds that it is possible for some antibodies to be both specific for a membrane structure on a tumor cell, and for a specific cellular receptor, an example being an anti-idiotype antibody, such as is elected herein. Accordingly, the products of Groups IX and XII do not necessarily differ with respect to structure, physiochemical properties and effects as alleged by the Examiner.

In response to the election of species, Applicants hereby elect the murine anti-

peptide. Claim 21 reads on the elected species.

Kindly charge any additional fees due, or credit overpayment of fees, to Deposit Account No. 01-2135 (411.35629PC2).

Respectfully submitted, ANTONELLI, TERRY, STOUT & KRAUS

RTW/RTW (703)312-6600 Ralph T. Webb Reg. No. 33,047

Patent Dkt. No. 411.330275	Attorney Initials RTW Filing Date May 29, 2001
Application No. <u>09/865.201</u>	Filing Date Tidy 29, 2002
Applicant(s) H. KOHLER	
Papers Filed Herewith onNov	yember 3, 2003
Receipt is hereby acknowledged of	the papers filed as Indicated by the checked items
in connection with the above-Identi	fied application:
☐ New Application Transmittal For	n 🔼 Credit Card Payment Form
Pages of Specification (	claims) Fees \$ 1480 00
Sheets of Drawings	☐ Amendment
☐ Declaration ( pages)	Response to Office Action
Q Fee Transmittal Form	Petition for Extension of Time (4 mos.
□ Claim for Priority	☐ Information Disclosure Statement
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